REMARKS

I.   Summary of the Examiner's Action

A.   Claim Rejections

As set forth in paragraph 6 on page 2 of the September 26 Office Action, claims 1 – 3, 9 – 10, 16 – 18, 20 – 23, 26 – 30 and 34 – 45 stand rejected under 35 USC 103(a) as being unpatentable over United States Patent Serial No. 6,128,661 to Flanagin (hereinafter "Flanagin" or "the Flanagin patent") in view of United States Patent Application Publication No. 20050198376 to Kotzin (hereinafter "Kotzin" or "the Kotzin application").

As set forth in paragraph 7 on page 8 of the September 26 Office Action, claims 5 – 7, 13 – 15, 19, 25 and 32 – 33 stand rejected under 35 USC 103(a) as being unpatentable over Flanagin in view of Kotzin and further in view of United States Patent Application Publication No. 20040185885 to Kock (hereinafter "Kock" or "the Kock application").

As set forth in paragraph 8 on page 10 of the September 26 Office Action, claims 4, 24 and 31 stand rejected under 35 USC 103(a) as being unpatentable over Flanagin in view of Kotzin and further in view of United States Patent Application Publication No. 20040023664 to Mirouze (hereinafter "Mirouze" or "the Mirouze application").

As set forth in paragraph 9 on page 11 of the September 26 Office Action, claim 11 stands rejected under 35 USC 103(a) as being unpatentable over Flanagin in view of Kotzin and further in view of United States Patent No. 5,961,588 to Cooper (hereinafter "Cooper" or "the Cooper patent").

As set forth in paragraph 10 on page 12 of the September 26 Office Action, claim 12 stands rejected under 35 USC 103(a) as being unpatentable over Flanagin in view of Kotzin and further in view of United States Patent No. 6,882,659 to Novak (hereinafter "Novak" or "the Novak patent").

These rejections are respectfully disagreed with, and are traversed below.

II.   Applicants' Response – Claim Rejections

Claim 1 (as amended) is reproduced here as a convenience to the Examiner (emphasis added):

1.   A method of transferring service settings from a first device to a second device, wherein the first and second devices each have the same predetermined hierarchical data structure, comprising:
        sending a data transfer request identifying a first portion of the hierarchical data structure from the first device to the second device, the first portion comprising data descriptive of service provider provisioned service settings for a first service;
        copying the data descriptive of service provider provisioned service settings stored at the first portion of the hierarchical data

> structure of the second device from the second device to the
> first device;
>
> storing the copied data at the first portion of the hierarchical data
> structure of the first device; and
>
> using, at the first device, the data stored at the first portion of the
> hierarchical data structure as settings for the first service.

Applicant respectfully submits that the relied-upon combination neither describes nor

suggests the emphasized subject matter. As a result, the Examiner has not established a

prima facie case of obviousness because the relied-upon combination does teach each and

every limitation of claim 1. Accordingly, Applicant respectfully requests that the

outstanding rejection be withdrawn.

In particular, in the preceding Amendment dated July 5, 2007, Applicant made

certain amendments to distinguish the operation of Applicant's invention from the subject

matter of +. In response to these amendments the Examiner withdrew the outstanding

rejection based on Kock and Flanagin and issued a new basis of rejection in the

September 26 Office Action. In so doing, the Examiner made the following statement at

page 3, lines 4 – 20(emphasis added):

> "However, Flanagin is not as detailed with the service settings
> being provisioned by a service provider. On the other hand, Kotzin
> discloses provisioning by the service provider ([0021-022]. Kotzin).
> Flanagin and Kotzin are analogous art because they are from the same
> field of endeavor of transferring *information* from one electronic device to
> another. It would have been obvious to one of ordinary skill in the art at

the time of the invention to incorporate Kotzin's teachings into the Flanagin system. A skilled artisan would have been motivated to incorporate Kotzin's teachings into the Flanagin system. A skilled artisan would have been motivated to combine as suggested by Kotzin at paragraphs [0006-0007], in order to allow the *content* to be transferred with ease in an intuitive manner, such that is can be beneficial for the owner. Therefore, the combination of Flanagin in view of Kotzin disclose copying *data* stored at the first position of the hierarchical data structure of the second device from the second device to the first device (column 4, lines 7 – 22); storing the copied *data* at the first portion of the hierarchical data structure of the first device (column 3, lines 1 – 13, Flanagin); and using, at the first device, the *data* stored at the first portion of the hierarchical data structure as settings for a first service (column 4, lines 7 – 11, Flanagin)."

In referring to the what is being transferred as *information*, *content* and *data*, the Examiner is apparently emphasizing a supposed remaining ambiguity not remedied by the amendments made in the July 5, 2007 Amendment.

Applicant has now remedied in this situation. Claim 1 now recites "copying *the data descriptive of service provider provisioned service settings* stored at the first portion of the hierarchical data structure of the second device from the second device to the first device". It is now clear that what is being copied from the second device to the first device is data descriptive of settings associated with a service. Neither Flanagin nor Kotzin is seen to either describe or suggest this subject matter. Regarding Flanagin, the Examiner has already admitted that Flanagin is not as detailed regarding "service

settings" and, therefore, is insufficient as a sole basis of rejection. Kotzin does not remedy the situation. The relied-upon portion of Kotzin only refers to *content*, and *information identifying content* – it neither describes nor suggests *information concerning settings*. If there is any lingering doubt, Applicant reproduces the relied upon portion [0021-0022] of Kotzin here (emphasis added):

"The uniquely identifiable set of information 106 is also transferred 208 to the second device 108, instead of the content 104 itself. *The uniquely identifiable set of information 106 represents or identifies the content 104. The second device 108 then retrieves the content 104 from either the first device 102 or the content provider 110.* In this exemplary embodiment, the content 104 is transferred to the second device 108 from the content provider 110. In another exemplary embodiment the content 104 is transferred to the second device 108 from first device 102. The content 104 may also be transferred from a third device (not shown). The content provider 110 in this exemplary embodiment is a trusted source. The first device 102 may also be a trusted source. The content provider 110 includes a content issuer portion 112, and a rights issuer 114 portion. The content issuer portion 112, and a rights issuer portion 114 may be one entity or two separate entities. The content issuer portion 112 distributes the content 104 and the rights issuer portion 114 distribute rights, also known as rights objects. In yet another exemplary embodiment, the first device 102 transfers the content 104 along with the uniquely identifiable set of information 106 as discussed further below.

The source from which the content 104 is transferred from may depend on the characteristics of the content 104. The source may also depend on the operations of the service provider serving the device which

is receiving or sending the content 104. *For example, if the content 104 is a large data file, then it may be more efficient and faster to transfer the content 104 from a source other than the first device 102 which has greater bandwidth and processing power, such as the content provider 110 or the like. If the content 104 is a relatively small set of information, such as a ring tone, contact information or an icon for example, then the content 104 may be transferred directly from the first device 102 to the second device 108. Larger files, such as media and multimedia files including audio, music and motion pictures may be transferred from the content provider 110. The content 104 may also be transferred at the same time as the uniquely identifiable set of information 106.* Even further, the content may also be encrypted before it is transferred to the second device 108 regardless of the source. These are only exemplary embodiments as device capability changes, devices may be able to transfer larger amounts of data between one another. When the content 104 is created at the first device 102 for example, the first device is the source, and there may or may not be a content provider that could distribute the content 104. The first device 102 would need to be the source regardless of the file size, when another content provider 110 is available."

Applicant respectfully submits that nowhere in this portion, or any remaining portion, of Kotzin, is there a description or suggestion of "copying *the data descriptive of service provider provisioned service settings* ... from the second device to the first device."

As a result, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1. Applicant notes that independent claims 21 and 28 already recite subject matter similar to that added to claim 1 so Applicant respectfully submits that

claims 21 and 28 are allowable for reasons similar to those set forth with respect to claim 1. Applicants also note that independent claims 26, 34, 40 and 43 have been amended in a similar manner to claim 1, so these independent claims are now allowable for reasons similar to those set forth above with respect to claim 1. Applicants respectfully submit that the remaining art, whether taken singly or in combination with the primary combination does not remedy the deficiencies of the Flanagin and Kotzin combination. Accordingly, Applicant respectfully submits that the remaining dependent claims are allowable both as depending from allowable base claims and for reasons having to do with their independently-recited features.

III.   Conclusion

The Applicant submits that in light of the foregoing remarks the application is now in condition for allowance.   Applicant therefore respectfully requests that the outstanding rejections be withdrawn and that the case be passed to issuance.

Respectfully submitted,

February 26, 2008   *David M. O'Neill (35,304)*

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